

BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation &	)	
Petition to Revoke Probation Against:	)	
	)	
ADELINA VORPERIAN, M.D.	)	Case No. D1-2005-168275
	)	
Physician's and Surgeon's	)	
Certificate No. C 50390	)	
	)	
Respondent.	)	
_____	)	

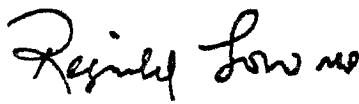
**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Medical Board of California, Department of Consumer Affairs, State of California, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on October 19, 2012.

IT IS SO ORDERED September 21, 2012.

MEDICAL BOARD OF CALIFORNIA



By: \_\_\_\_\_  
Reginald Low, M.D., Chair  
Panel B

1 KAMALA D. HARRIS  
Attorney General of California  
2 ROBERT MCKIM BELL  
Supervising Deputy Attorney General  
3 TAN N. TRAN  
Deputy Attorney General  
4 State Bar No. 197775  
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*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation & Petition to  
11 Revoke Probation Against:

12 **Adelina Vorperian, M.D.**  
13 **13590 Herrick Avenue**  
**Sylmar, CA 91342**  
14 **Physician's and Surgeon's Certificate No. C**  
**50390**

15 Respondent.

Case No. D1-2005-168275

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. Linda K. Whitney (Complainant) is the Executive Director of the Medical Board of  
21 California. She brought this action solely in her official capacity and is represented in this matter  
22 by Kamala D. Harris, Attorney General of the State of California, by Tan N. Tran, Deputy  
23 Attorney General.

24 2. Respondent Adelina Vorperian, M.D. (Respondent) is represented in this proceeding  
25 by attorney Tracy Green, whose address is: Green & Associates, 801 S. Figueroa Street, Suite  
26 1200, Los Angeles, CA 90017-2543.  
27  
28

3. On or about March 24, 2000, the Medical Board of California issued Physician's and Surgeon's Certificate No. C 50390 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in the Accusation & Petition to Revoke Probation No. D1-2005-168275 and will expire on June 30, 2013, unless renewed.

## JURISDICTION

4. Accusation & Petition to Revoke Probation No. D1-2005-168275 was filed before the Medical Board of California (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation & Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent on November 21, 2011. Respondent timely filed her Notice of Defense contesting the Accusation & Petition to Revoke Probation.

5. A copy of Accusation & Petition to Revoke Probation No. D1-2005-168275 is attached as exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation & Petition to Revoke Probation No. D1-2005-168275. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation & Petition to Revoke Probation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 CULPABILITY

2 9. Respondent admits the truth of each and every charge and allegation in Accusation &  
3 Petition to Revoke Probation No. D1-2005-168275.

4 10. Respondent agrees that her Physician's and Surgeon's Certificate is subject to  
5 discipline and she agrees to be bound by the Board's probationary terms as set forth in the  
6 Disciplinary Order below.

7 CIRCUMSTANCES IN MITIGATION

8 11. She is admitting responsibility at an early stage in the proceedings.

9 RESERVATION

10 12. The admissions made by Respondent herein are only for the purposes of this  
11 proceeding, or any other proceedings in which the Medical Board of California or other  
12 professional licensing agency is involved, and shall not be admissible in any other criminal or  
13 civil proceeding.

14 CONTINGENCY

15 13. This stipulation shall be subject to approval by the Medical Board of California.  
16 Respondent understands and agrees that counsel for Complainant and the staff of the Medical  
17 Board of California may communicate directly with the Board regarding this stipulation and  
18 settlement, without notice to or participation by Respondent or her counsel. By signing the  
19 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek  
20 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails  
21 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary  
22 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
23 action between the parties, and the Board shall not be disqualified from further action by having  
24 considered this matter.

25 14. The parties understand and agree that facsimile copies of this Stipulated Settlement  
26 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
27 effect as the originals.  
28

15. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

## DISCIPLINARY ORDER

16. It should be noted that in a prior disciplinary action entitled "*In the Matter of Accusation Against Adeline Vorperian, M.D.*," Case No. 11-2005-168275, the Medical Board of California issued a decision, effective November 27, 2006 (the "2006 Decision"), in which Respondent's Physician's and Surgeon's Certificate was revoked. However, the revocation was stayed and Respondent's was placed on probation for a period of five (5) years with certain terms and conditions. A copy of the 2006 Decision is attached as Exhibit B and is incorporated herein by reference.

17. IT IS HEREBY ORDERED that Physician's and Surgeon's No. C50390 issued to Respondent is revoked pursuant to the 2006 Decision. However, the revocation is stayed and Respondent is placed on probation for five (5) years with the following terms and conditions of probation. The five year probationary period begins from the effective date of this Decision and Order.

18. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a professionalism program, that meets the requirements of Title 16, California Code of Regulations (CCR) section 1358. Respondent shall participate in and successfully complete that program. Respondent shall provide any information and documents that the program may deem pertinent. Respondent shall successfully complete the classroom component of the program not later than six (6) months after Respondent's initial enrollment, and the longitudinal component of the program not later than the time specified by the program, but no later than one (1) year after attending the classroom component. The professionalism program shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

1 A professionalism program taken after the acts that gave rise to the charges in the  
2 Accusation & Petition to Revoke Probation, but prior to the effective date of the Decision may, in  
3 the sole discretion of the Board or its designee, be accepted towards the fulfillment of this  
4 condition if the program would have been approved by the Board or its designee had the program  
5 been taken after the effective date of this Decision.

6 A professionalism program/ethics course taken pursuant to the 2006 Decision will not be  
7 accepted towards the fulfillment of condition 19 above.

8 Respondent shall submit a certification of successful completion to the Board or its  
9 designee not later than 15 calendar days after successfully completing the program or not later  
10 than 15 calendar days after the effective date of the Decision, whichever is later.

11 (Condition Precedent)

12 Respondent shall not engage in the practice of medicine until Respondent notifies the  
13 Board, in writing, that she has successfully completed the classroom components/instruction of  
14 the professionalism/ethics program.

15 19. MONITORING - PRACTICE/BILLING. Within 30 calendar days of the effective  
16 date of this Decision, Respondent shall submit to the Board or its designee for prior approval as a  
17 practice and billing monitor(s), the name and qualifications of one or more licensed physicians  
18 and surgeons whose licenses are valid and in good standing, and who are preferably American  
19 Board of Medical Specialties (ABMS) certified. A monitor shall have no prior or current  
20 business or personal relationship with Respondent, or other relationship that could reasonably be  
21 expected to compromise the ability of the monitor to render fair and unbiased reports to the  
22 Board, including but not limited to any form of bartering, shall be in Respondent's field of  
23 practice, and must agree to serve as Respondent's monitor. Respondent shall pay all monitoring  
24 costs.

25 The Board or its designee shall provide the approved monitor with copies of the Decision(s)  
26 and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the  
27 Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed  
28 statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role

1 of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees  
2 with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the  
3 signed statement for approval by the Board or its designee.

4 Within 60 calendar days of the effective date of this Decision, and continuing throughout  
5 probation, Respondent's practice and billing shall be monitored by the approved monitor.  
6 Respondent shall make all records available for immediate inspection and copying on the  
7 premises by the monitor at all times during business hours and shall retain the records for the  
8 entire term of probation.

9 If Respondent fails to obtain approval of a monitor(s) within 60 calendar days of the  
10 effective date of this Decision, Respondent shall receive a notification from the Board or its  
11 designee to cease the practice of medicine within three (3) calendar days after being so notified.  
12 Respondent shall cease the practice of medicine until a monitor is approved to provide monitoring  
13 responsibility.

14 The monitor(s) shall submit a quarterly written report to the Board or its designee which  
15 includes an evaluation of Respondent's performance, indicating whether Respondent's practices  
16 are within the standards of practice of medicine and billing, and whether Respondent is practicing  
17 medicine safely, billing appropriately or both. It shall be the sole responsibility of Respondent to  
18 ensure that the monitor submits the quarterly written reports to the Board or its designee within  
19 10 calendar days after the end of the preceding quarter.

20 If the monitor(s) resign(s) or is no longer available, Respondent shall, within 5 calendar  
21 days of such resignation or unavailability, submit to the Board or its designee, for prior approval,  
22 the name and qualifications of a replacement monitor(s) who will be assuming that responsibility  
23 within 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within  
24 60 calendar days of the resignation or unavailability of the monitor(s), Respondent shall receive a  
25 notification from the Board or its designee to cease the practice of medicine within three (3)  
26 calendar days after being so notified Respondent shall cease the practice of medicine until a  
27 replacement monitor(s) is/are approved and assumes monitoring responsibility.

28 In lieu of a monitor(s), Respondent may participate in a professional enhancement program

1 equivalent to the one offered by the Physician Assessment and Clinical Education Program at the  
2 University of California, San Diego School of Medicine, that includes, at minimum, quarterly  
3 chart review, semi-annual practice assessment, and semi-annual review of professional growth  
4 and education. Respondent shall participate in the professional enhancement program at  
5 Respondent's expense during the term of probation.

6 20. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the  
7 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the  
8 Chief Executive Officer at every hospital where privileges or membership are extended to  
9 Respondent, at any other facility where Respondent engages in the practice of medicine,  
10 including all physician and locum tenens registries or other similar agencies, and to the Chief  
11 Executive Officer at every insurance carrier which extends malpractice insurance coverage to  
12 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15  
13 calendar days.

14 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

15 21. SUPERVISION OF PHYSICIAN ASSISTANTS. During probation, Respondent  
16 is prohibited from supervising physician assistants.

17 22. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all  
18 rules governing the practice of medicine in California and remain in full compliance with any  
19 court ordered criminal probation, payments, and other orders.

20 23. QUARTERLY DECLARATIONS. Respondent shall submit quarterly  
21 declarations under penalty of perjury on forms provided by the Board, stating whether there has  
22 been compliance with all the conditions of probation.

23 Respondent shall submit quarterly declarations not later than 10 calendar days after the end  
24 of the preceding quarter.

25 24. GENERAL PROBATION REQUIREMENTS.

26 Compliance with Probation Unit

27 Respondent shall comply with the Board's probation unit and all terms and conditions of  
28 this Decision.



1        Address Changes

2        Respondent shall, at all times, keep the Board informed of Respondent's business and  
3 residence addresses, email address (if available), and telephone number. Changes of such  
4 addresses shall be immediately communicated in writing to the Board or its designee. Under no  
5 circumstances shall a post office box serve as an address of record, except as allowed by Business  
6 and Professions Code section 2021(b).

7        Place of Practice

8        Respondent shall not engage in the practice of medicine in Respondent's or patient's place  
9 of residence, unless the patient resides in a skilled nursing facility or other similar licensed  
10 facility.

11       License Renewal

12       Respondent shall maintain a current and renewed California physician's and surgeon's  
13 license.

14       Travel or Residence Outside California

15       Respondent shall immediately inform the Board or its designee, in writing, of travel to any  
16 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty  
17 (30) calendar days.

18       In the event Respondent should leave the State of California to reside or to practice  
19 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of  
20 departure and return.

21       25.    INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be  
22 available in person upon request for interviews either at Respondent's place of business or at the  
23 probation unit office, with or without prior notice throughout the term of probation.

24       26.    NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board  
25 or its designee in writing within 15 calendar days of any periods of non-practice lasting more than  
26 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is  
27 defined as any period of time Respondent is not practicing medicine in California as defined in  
28 Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month

1 in direct patient care, clinical activity or teaching, or other activity as approved by the Board. All  
2 time spent in an intensive training program which has been approved by the Board or its designee  
3 shall not be considered non-practice. Practicing medicine in another state of the United States or  
4 Federal jurisdiction while on probation with the medical licensing authority of that state or  
5 jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall  
6 not be considered as a period of non-practice.

7 In the event Respondent's period of non-practice while on probation exceeds 18 calendar  
8 months, Respondent shall successfully complete a clinical training program that meets the criteria  
9 of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and  
10 Disciplinary Guidelines" prior to resuming the practice of medicine.

11 Respondent's period of non-practice while on probation shall not exceed two (2) years.

12 Periods of non-practice will not apply to the reduction of the probationary term.

13 Periods of non-practice will relieve Respondent of the responsibility to comply with the  
14 probationary terms and conditions with the exception of this condition and the following terms  
15 and conditions of probation: Obey All Laws; and General Probation Requirements.

16 27. COMPLETION OF PROBATION. Respondent shall comply with all financial  
17 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the  
18 completion of probation. Upon successful completion of probation, Respondent's certificate shall  
19 be fully restored. Respondent shall also comply with all terms and conditions of the 2006  
20 Decision.

21 28. VIOLATION OF PROBATION. Failure to fully comply with any term or  
22 condition of probation is a violation of probation. If Respondent violates probation in any  
23 respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke  
24 probation and carry out the disciplinary order that was stayed. If an Accusation, or Petition to  
25 Revoke Probation, or an Interim Suspension Order is filed against Respondent during probation,  
26 the Board shall have continuing jurisdiction until the matter is final, and the period of probation  
27 shall be extended until the matter is final.

28 29. LICENSE SURRENDER. Following the effective date of this Decision, if

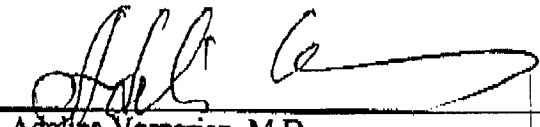
Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy the terms and conditions of probation, Respondent may request to surrender his or her license. The Board reserves the right to evaluate Respondent's request and to exercise its discretion in determining whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its designee and Respondent shall no longer practice medicine. Respondent will no longer be subject to the terms and conditions of probation. If Respondent re-applies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

30. PROBATION MONITORING COSTS. Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Board, which may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and delivered to the Board or its designee no later than January 31 of each calendar year.

ACCEPTANCE


I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Tracy Green. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 7/27/12

  
Adelina Vorperian, M.D.  
Respondent

I have read and fully discussed with Respondent the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 7/27/12

  
Tracy Green  
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

Dated:

8/3/12

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
ROBERT MCKIM BELL  
Supervising Deputy Attorney General



TAN N. TRAN  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation & Petition to Revoke Probation No. D1-2005-168275**

1 KAMALA D. HARRIS  
Attorney General of California  
2 ROBERT MCKIM BELL  
Supervising Deputy Attorney General  
3 TAN N. TRAN  
Deputy Attorney General  
4 State Bar No. 197775  
California Department of Justice  
5 300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
6 Telephone: (213) 897-6793  
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7 Attorneys for Complainant

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO Nov. 21, 2011  
BY Brenda Allen ANALYST

8  
9 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke  
12 Probation Against,

Case No. D1-2005-168275

13 ADELINA VORPERIAN, M.D.

ACCUSATION AND

14 6501 Foothill Blvd., Suite 101  
15 Tujunga, CA 91042

PETITION TO REVOKE PROBATION

16 Physician's and Surgeon's Certificate No. C  
17 50390

18 Respondent.

19  
20 Complainant alleges:

21 PARTIES

22 1. Linda K. Whitney (Complainant) brings this Accusation & Petition to Revoke  
23 Probation solely in her official capacity as the Executive Director of the Medical Board of  
24 California, Department of Consumer Affairs (Board).

25 2. On or about March 24, 2000, the Medical Board of California issued Physician's and  
26 Surgeon's Certificate Number C 50390 to Adelina Vorperian, M.D. (Respondent). That license  
27  
28

1 was in effect at all times relevant to the charges brought herein and will expire on June 30, 2013,  
2 unless renewed.

3 3. In a disciplinary action entitled "In the Matter of Accusation Against Adelina  
4 Vorperian, M.D.," Case No. 11-2005-168275, the Medical Board of California issued a decision,  
5 effective November 27, 2006 (2006 Decision), in which Respondent's Physician's and Surgeon's  
6 Certificate was revoked. However, the revocation was stayed and Respondent's license was  
7 placed on probation for a period of five (5) years with certain terms and conditions. A copy of  
8 the 2006 Decision is attached as Exhibit A and is incorporated by reference.  
9

#### 10 JURISDICTION

11 4. This Accusation & Petition to Revoke Probation is brought before the Medical Board  
12 of California (Board), Department of Consumer Affairs, under the authority of the following  
13 laws. All section references are to the Business and Professions Code (Code) unless otherwise  
14 indicated.  
15

16 5. Section 2234 of the Code states:

17 "The Division of Medical Quality<sup>1</sup> shall take action against any licensee who is charged  
18 with unprofessional conduct. In addition to other provisions of this article, unprofessional  
19 conduct includes, but is not limited to, the following:

20 "(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the  
21 violation of, or conspiring to violate any provision of this chapter [Chapter 5, the Medical  
22 Practice Act].

23 "(b) Gross negligence.  
24  
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26  
27 <sup>1</sup> Pursuant to Business and Professions Code section 2002, "Division of Medical Quality"  
28 or "Division" shall be deemed to refer to the Medical Board of California.

1           "(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or  
2 omissions. An initial negligent act or omission followed by a separate and distinct departure from  
3 the applicable standard of care shall constitute repeated negligent acts.

4           "(1) An initial negligent diagnosis followed by an act or omission medically appropriate for  
5 that negligent diagnosis of the patient shall constitute a single negligent act.

6           "(2) When the standard of care requires a change in the diagnosis, act, or omission that  
7 constitutes the negligent act described in paragraph (1), including, but not limited to, a  
8 reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the  
9 applicable standard of care, each departure constitutes a separate and distinct breach of the  
10 standard of care.

11           "(d) Incompetence.

12           "(e) The commission of any act involving dishonesty or corruption which is substantially  
13 related to the qualifications, functions, or duties of a physician and surgeon.

14           "(f) Any action or conduct which would have warranted the denial of a certificate."

15           6.     Section 2052 states in pertinent part:

16           "...

17           "(b) Any person who conspires with or aids or abets another to commit any act described  
18 in subdivision (a) is guilty of a public offense, subject to the punishment described in that  
19 subdivision.

20           7.     Section 2227 of the Code provides that a licensee who is found guilty under the  
21 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed  
22 one year, placed on probation and required to pay the costs of probation monitoring, or such other  
23 action taken in relation to discipline as the Division deems proper.

24           ///



DISCIPLINE CONSIDERATIONS

8. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges that on or about July 25, 2005, in a prior criminal proceeding in United States District Court (Central District of California) Case Number CR-05-441, Respondent was convicted of two counts of violating 42 United States Code sections 1320a-7b, for receiving illegal kickbacks from a laboratory, located in Glendale, California. The record of the criminal proceeding is incorporated as if fully set forth.

FIRST CAUSE FOR DISCIPLINE

(Aiding & Abetting the Illegal/Unlicensed Practice of Medicine)

9. Respondent is subject to disciplinary action under section 2052, subdivision (b) of the Code, in that she aided and abetted the illegal/unlicensed practice of medicine. The circumstances are as follows:

A. Respondent and another individual, Armenuhi Terteryan (Terteryan) entered into an agreement whereby Terteryan, a registered nurse, was the owner of Mi Beauty, a "medical office" located on 805 E. Broadway, Glendale, California 91205 (clinic). Pursuant to said agreement, Respondent was identified as the medical director of the clinic.

B. An investigation revealed that Terteryan was performing and/or offering to perform medical procedures on patients at the clinic including laser hair removal, removal of age spots, treatment of spider veins, and the like without adequate authorization/supervision by a doctor.

C. The investigation also revealed that Respondent indicated that she is not the doctor for the clinic and did not recall reviewing or signing any patient charts at the clinic. Prescription records also indicated that Respondent prescribed anesthetic medications to Terteryan. Respondent indicated that the prescriptions to Terteryan were for the clinic and that Terteryan is

1 not Respondent's patient.

2 **SECOND CAUSE FOR DISCIPLINE**

3 (Incompetence)

4 10. By reason of the facts set forth in paragraphs 10.A.through 10.C above,  
5 Respondent is subject to disciplinary action under section 2234, subdivision (d) of the Code, in  
6 that she has demonstrated a lack of knowledge or ability in the discharging of professional  
7 obligations, namely her roles and responsibilities as medical director for supervising Terteryan  
8 and other employees at the clinic.  
9

10 **THIRD CAUSE FOR DISCIPLINE**

11 (General Unprofessional Conduct)

12 11. By reason of the facts set forth in paragraphs 10.A.through 10.C, and paragraph 11  
13 above, Respondent is subject to disciplinary action under section 2234 for general unprofessional  
14 conduct.  
15

16 **FIRST CAUSE TO REVOKE PROBATION**

17 (Failure to Comply: Obey All Laws)

18 12. At all times after the effective date of Respondent's probation, Condition 5 of the  
19 2006 Decision states in pertinent part:

20 "Respondent shall obey all federal, state, and local laws, all rules governing the practice of  
21 medicine in California..."  
22

23 13. By reason of the facts set forth in paragraphs 10A.through 10C. above, Respondent  
24 has failed to comply with/obey all laws governing the practice of medicine in California , thus  
25 violating her probation.

26 //

27 //

1  
2  
3 **SECOND CAUSE TO REVOKE PROBATION**

4 (Failure to Comply: Quarterly Declarations)

5 14. At all times after the effective date of Respondent's probation, Condition 6 of the  
6 2006 Decision states in pertinent part:

7 "Respondent shall submit quarterly declarations under penalty of perjury on forms provided  
8 by the Division, stating whether there has been compliance with all the conditions of  
9 probation..."

10 15. By reason of the facts set forth in paragraphs 10A.through 10C. above, Respondent  
11 has failed to submit quarterly declarations stating/disclosing her involvement in the clinic as  
12 medical director, thus violating her probation.

13 **THIRD CAUSE TO REVOKE PROBATION**

14 (Failure to Comply: Inform Board of Business Address)

15 16. At all times after the effective date of Respondent's probation, Condition 7 of the  
16 2006 Decision states in pertinent part:

17 "...Respondent shall, at all times, keep the Division informed of respondent's business and  
18 residence addresses..."

19 17. By reason of the facts set forth in paragraphs 10A.through 10C. above, Respondent  
20 has failed to inform the Board of her business address at the clinic and failed to disclose her  
21 involvement in the clinic as the medical director, thus violating her probation.


22 **PRAYER**

23 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,  
24 and that following the hearing, the Medical Board of California issue a decision:

25 1. Revoking the probation that was granted by the Medical Board of California in Case  
26 No. 11-2005-168275 and imposing the disciplinary order that was stayed thereby revoking  
27 Physician's and Surgeon's Certificate No. C 50390 issued to Adelina Vorperian, M.D.;  
28

- 1           2.    Revoking or suspending her medical certificate;  
2           3.    Revoking, suspending or denying approval of her authority to supervise physician's  
3 assistants, pursuant to section 3527 of the Code;  
4           4.    Ordering her to pay the Medical Board of California the costs of probation  
5 monitoring, if placed on probation; and  
6           5.    Taking such other and further action as deemed necessary and proper.

7  
8  
9 DATED: November 21, 2011

  
LINDA K. WHITNEY  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California

*Complainant*

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## **Exhibit A**

**2006 DECISION**

BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation	)	Case No. 11-2005-168275
Against:	)	
	)	
ADELINA VORPERIAN, M.D.	)	
	)	
	)	
Physician's and Surgeon's	)	
Certificate #C 50390	)	
	)	
Respondent.	)	
_____	)	

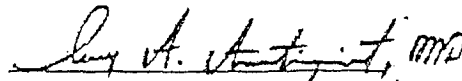
DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision and Order by the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on November 27, 2006

IT IS SO ORDERED October 27, 2006

MEDICAL BOARD OF CALIFORNIA



Cesar Aristeiguieta, M.D.  
Chair, Consolidated Panel  
Division of Medical Quality

1 BILL LOCKYER, Attorney General  
of the State of California  
2 TAN N. TRAN, State Bar No. 197775  
Deputy Attorney General  
3 California Department of Justice  
300 South Spring Street, Suite 1702  
4 Los Angeles, California 90013  
Telephone: (213) 897-6793  
5 Facsimile: (213) 897-9395

6 Attorneys for Complainant

7  
8 **BEFORE THE**  
**DIVISION OF MEDICAL QUALITY**  
**MEDICAL BOARD OF CALIFORNIA**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 11-2005-168275

11 Adelina Vorperian, M.D.  
12 1215 South Central Avenue  
Glendale, CA 91204

OAH No. 2006070502

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

13 Physician & Surgeon's Certificate No. C 50390

14 Respondent.

15  
16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
18 above-entitled proceedings that the following matters are true:

19 PARTIES

20 1. David T. Thornton (Complainant) is the Executive Director of the Medical  
21 Board of California. He brought this action solely in his official capacity and is represented in  
22 this matter by Bill Lockyer, Attorney General of the State of California, by Tan N. Tran, Deputy  
23 Attorney General.

24 2. Respondent Adelina Vorperian, M.D. (Respondent) is represented in this  
25 proceeding by attorney Richard Marnaro, whose address is Skadden, Arps, Slate, Mcagher &  
26 Flom, LLP, 300 South Grand Avenue, Los Angeles, CA 90071-3144.

27 3. On or about March 24, 2000, the Medical Board of California issued  
28 Physician & Surgeon's Certificate No. C 50390 to Adelina Vorperian, M.D. (Respondent). The

1 Certificate was in full force and effect at all times relevant to the charges brought in Accusation  
2 No. 11-2005-168275 and will expire on June 30, 2007, unless renewed.

3 JURISDICTION

4 4. Accusation No. 11-2005-168275 was filed before the Division of Medical  
5 Quality, Medical Board of California, Department of Consumer Affairs (Division), and is  
6 currently pending against Respondent. The Accusation and all other statutorily required  
7 documents were properly served on Respondent on June 21, 2006. Respondent timely filed her  
8 Notice of Defense contesting the Accusation. A copy of Accusation No. 11-2005-168275 is  
9 attached as exhibit A and incorporated herein by reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, fully discussed with counsel, and  
12 understands the charges and allegations in Accusation No. 11-2005-168275. Respondent has  
13 also carefully read, fully discussed with counsel, and understands the effects of this Stipulated  
14 Settlement and Disciplinary Order.

15 6. Respondent is fully aware of her legal rights in this matter, including the  
16 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
17 counsel at her own expense; the right to confront and cross-examine the witnesses against her;  
18 the right to present evidence and to testify on her own behalf; the right to the issuance of  
19 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
20 reconsideration and court review of an adverse decision; and all other rights accorded by the  
21 California Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
23 each and every right set forth above.

24 CULPABILITY

25 8. Respondent admits the truth of each and every charge and allegation in  
26 Accusation No. 11-2005-168275.

27 9. Respondent agrees that her Physician & Surgeon's Certificate is subject to  
28 discipline and she agrees to be bound by the Division's imposition of discipline as set forth in the



1 Disciplinary Order below.

2 CIRCUMSTANCES IN MITIGATION

3 10. Respondent has never been the subject of any disciplinary action. She is  
4 admitting responsibility at an early stage in the proceedings.

5 CONTINGENCY

6 11. The parties understand and agree that facsimile copies of this Stipulated  
7 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
8 force and effect as the originals.

9 12. In consideration of the foregoing admissions and stipulations, the parties  
10 agree that the Division may, without further notice or formal proceeding, issue and enter the  
11 following Disciplinary Order:

12 DISCIPLINARY ORDER

13 IT IS HEREBY ORDERED that Physician & Surgeon's Certificate No. C 50390  
14 issued to Respondent Adelina Vorperian, M.D. (Respondent) is revoked. However, the  
15 revocation is stayed and Respondent is placed on probation for five (5) years on the following  
16 terms and conditions.

17 1. ACTUAL SUSPENSION As part of probation, respondent is suspended  
18 from the practice of medicine for 90 days beginning the sixteenth (16th) day after the effective  
19 date of this decision. Respondents Kevork Vorperian and Adelina Vorperian will be responsible  
20 for notifying the Division regarding who will serve his/her suspension first.

21 2. ETHICS COURSE Within 60 calendar days of the effective date of this  
22 Decision, respondent shall enroll in a course in ethics, at respondent's expense, approved in  
23 advance by the Division or its designee. Failure to successfully complete the course during the  
24 first year of probation is a violation of probation.

25 An ethics course taken after the acts that gave rise to the charges in the  
26 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the  
27 Division or its designee, be accepted towards the fulfillment of this condition if the course would  
28 have been approved by the Division or its designee had the course been taken after the effective

1 date of this Decision.

2 Respondent shall submit a certification of successful completion to the Division  
3 or its designee not later than 15 calendar days after successfully completing the course, or not  
4 later than 15 calendar days after the effective date of the Decision, whichever is later.

5 3. MONITORING - BILLING Within 30 calendar days of the effective date  
6 of this Decision, respondent shall submit to the Division or its designee for prior approval as a  
7 billing monitor(s), the name and qualifications of one or more licensed physicians and surgeons  
8 whose licenses are valid and in good standing, and who are preferably American Board of  
9 Medical Specialties (ABMS) certified. A monitor shall have no prior or current business or  
10 personal relationship with respondent, or other relationship that could reasonably be expected to  
11 compromise the ability of the monitor to render fair and unbiased reports to the Division,  
12 including, but not limited to, any form of bartering, shall be in respondent's field of practice, and  
13 must agree to serve as respondent's monitor. Respondent shall pay all monitoring costs.

14 The Division or its designee shall provide the approved monitor with copies of the  
15 Decision(s) and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of  
16 receipt of the Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit  
17 a signed statement that the monitor has read the Decision(s) and Accusation(s), fully understands  
18 the role of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor  
19 disagrees with the proposed monitoring plan, the monitor shall submit a revised monitoring plan  
20 with the signed statement.

21 Within 60 calendar days of the effective date of this Decision, and continuing  
22 throughout probation, respondent's billing shall be monitored by the approved monitor.  
23 Respondent shall make all records available for immediate inspection and copying on the  
24 premises by the monitor at all times during business hours, and shall retain the records for the  
25 entire term of probation.

26 The monitor(s) shall submit a quarterly written report to the Division or its  
27 designee which includes an evaluation of respondent's performance, indicating whether  
28 respondent's practices are within the standards of practice of medicine or billing, or both, and

1 whether respondent is practicing medicine safely, billing appropriately or both.

2 It shall be the sole responsibility of respondent to ensure that the monitor submits  
3 the quarterly written reports to the Division or its designee within 10 calendar days after the end  
4 of the preceding quarter.

5 If the monitor resigns or is no longer available, respondent shall, within 5 calendar  
6 days of such resignation or unavailability, submit to the Division or its designee, for prior  
7 approval, the name and qualifications of a replacement monitor who will be assuming that  
8 responsibility within 15 calendar days. If respondent fails to obtain approval of a replacement  
9 monitor within 60 days of the resignation or unavailability of the monitor, respondent shall be  
10 suspended from the practice of medicine until a replacement monitor is approved and prepared to  
11 assume immediate monitoring responsibility. Respondent shall cease the practice of medicine  
12 within 3 calendar days after being so notified by the Division or designee.

13 In lieu of a monitor, respondent may participate in a professional enhancement  
14 program equivalent to the one offered by the Physician Assessment and Clinical Education  
15 Program at the University of California, San Diego School of Medicine, that includes, at  
16 minimum, quarterly chart review, semi-annual practice assessment, and semi-annual review of  
17 professional growth and education. Respondent shall participate in the professional enhancement  
18 program at respondent's expense during the term of probation.

19 Failure to maintain all records, or to make all appropriate records available for  
20 immediate inspection and copying on the premises, or to comply with this condition as outlined  
21 above is a violation of probation.

22 4. NOTIFICATION Prior to engaging in the practice of medicine, the  
23 respondent shall provide a true copy of the Decision(s) and Accusation(s) to the Chief of Staff or  
24 the Chief Executive Officer at every hospital where privileges or membership are extended to  
25 respondent, at any other facility where respondent engages in the practice of medicine, including  
26 all physician and locum tenens registries or other similar agencies, and to the Chief Executive  
27 Officer at every insurance carrier which extends malpractice insurance coverage to respondent.  
28 Respondent shall submit proof of compliance to the Division or its designee within 15 calendar

1 days.

2 This condition shall apply to any change(s) in hospitals, other facilities or  
3 insurance carrier.

4 5. OBEY ALL LAWS Respondent shall obey all federal, state and local  
5 laws, all rules governing the practice of medicine in California, and remain in full compliance  
6 with any court ordered criminal probation, payments and other orders.

7 6. QUARTERLY DECLARATIONS Respondent shall submit quarterly  
8 declarations under penalty of perjury on forms provided by the Division, stating whether there  
9 has been compliance with all the conditions of probation. Respondent shall submit quarterly  
10 declarations not later than 10 calendar days after the end of the preceding quarter.

11 7. PROBATION UNIT COMPLIANCE Respondent shall comply with the  
12 Division's probation unit. Respondent shall, at all times, keep the Division informed of  
13 respondent's business and residence addresses. Changes of such addresses shall be immediately  
14 communicated in writing to the Division or its designee. Under no circumstances shall a post  
15 office box serve as an address of record, except as allowed by Business and Professions Code  
16 section 2021(b).

17 Respondent shall not engage in the practice of medicine in respondent's place of  
18 residence. Respondent shall maintain a current and renewed California physician's and  
19 surgeon's license.

20 Respondent shall immediately inform the Division, or its designee, in writing, of  
21 travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last,  
22 more than 30 calendar days.

23 8. INTERVIEW WITH THE DIVISION, OR ITS DESIGNEE Respondent  
24 shall be available in person for interviews either at respondent's place of business or at the  
25 probation unit office, with the Division or its designee, upon request at various intervals, and  
26 either with or without prior notice throughout the term of probation.

27 9. RESIDING OR PRACTICING OUT-OF-STATE In the event respondent  
28 should leave the State of California to reside or to practice, respondent shall notify the Division

1 or its designee in writing 30 calendar days prior to the dates of departure and return. Non-  
2 practice is defined as any period of time exceeding 30 calendar days in which respondent is not  
3 engaging in any activities defined in Sections 2051 and 2052 of the Business and Professions  
4 Code.

5 All time spent in an intensive training program outside the State of California  
6 which has been approved by the Division or its designee shall be considered as time spent in the  
7 practice of medicine within the State. A Board-ordered suspension of practice shall not be  
8 considered as a period of non-practice. Periods of temporary or permanent residence or practice  
9 outside California will not apply to the reduction of the probationary term. Periods of temporary  
10 or permanent residence or practice outside California will relieve respondent of the responsibility  
11 to comply with the probationary terms and conditions with the exception of this condition and  
12 the following terms and conditions of probation: Obey All Laws; Probation Unit Compliance;  
13 and Cost Recovery.

14 Respondent's license shall be automatically cancelled if respondent's periods of  
15 temporary or permanent residence or practice outside California total two years. However,  
16 respondent's license shall not be cancelled as long as respondent is residing and practicing  
17 medicine in another state of the United States and is on active probation with the medical  
18 licensing authority of that state, in which case the two year period shall begin on the date  
19 probation is completed or terminated in that state.

20 10. FAILURE TO PRACTICE MEDICINE - CALIFORNIA RESIDENT

21 In the event respondent resides in the State of California and for any reason  
22 respondent stops practicing medicine in California, respondent shall notify the Division or its  
23 designee in writing within 30 calendar days prior to the dates of non-practice and return to  
24 practice. Any period of non-practice within California, as defined in this condition, will not  
25 apply to the reduction of the probationary term and does not relieve respondent of the  
26 responsibility to comply with the terms and conditions of probation. Non-practice is defined as  
27 any period of time exceeding 30 calendar days in which respondent is not engaging in any  
28 activities defined in sections 2051 and 2052 of the Business and Professions Code.

1 All time spent in an intensive training program which has been approved by the  
2 Division or its designee shall be considered time spent in the practice of medicine. For purposes  
3 of this condition, non-practice due to a Board-ordered suspension or in compliance with any  
4 other condition of probation, shall not be considered a period of non-practice.

5 Respondent's license shall be automatically cancelled if respondent resides in  
6 California and for a total of two years, fails to engage in California in any of the activities  
7 described in Business and Professions Code sections 2051 and 2052.

8 11. COMPLETION OF PROBATION Respondent shall comply with all  
9 financial obligations (e.g., cost recovery, restitution, probation costs) not later than 120 calendar  
10 days prior to the completion of probation. Upon successful completion of probation,  
11 respondent's certificate shall be fully restored.

12 12. VIOLATION OF PROBATION Failure to fully comply with any term or  
13 condition of probation is a violation of probation. If respondent violates probation in any  
14 respect, the Division, after giving respondent notice and the opportunity to be heard, may revoke  
15 probation and carry out the disciplinary order that was stayed. If an Accusation, Petition to  
16 Revoke Probation, or an Interim Suspension Order is filed against respondent during probation,  
17 the Division shall have continuing jurisdiction until the matter is final, and the period of  
18 probation shall be extended until the matter is final.

19 13. LICENSE SURRENDER Following the effective date of this Decision, if  
20 respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy  
21 the terms and conditions of probation, respondent may request the voluntary surrender of  
22 respondent's license. The Division reserves the right to evaluate respondent's request and to  
23 exercise its discretion whether or not to grant the request, or to take any other action deemed  
24 appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender,  
25 respondent shall within 15 calendar days deliver respondent's wallet and wall certificate to the  
26 Division or its designee and respondent shall no longer practice medicine. Respondent will no  
27 longer be subject to the terms and conditions of probation and the surrender of respondent's  
28 license shall be deemed disciplinary action. If respondent re-applies for a medical license, the

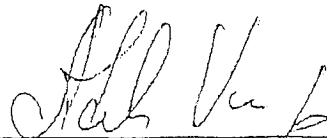
1 application shall be treated as a petition for reinstatement of a revoked certificate.

2 14. PROBATION MONITORING COSTS Respondent shall pay the costs  
3 associated with probation monitoring each and every year of probation, as designated by the  
4 Division, which are currently set at \$3,173, but may be adjusted on an annual basis. Such costs  
5 shall be payable to the Medical Board of California and delivered to the Division or its designee  
6 no later than January 31 of each calendar year. Failure to pay costs within 30 calendar days of  
7 the due date is a violation of probation.

8  
9 ACCEPTANCE

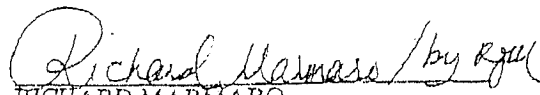
10 I have carefully read the above Stipulated Settlement and Disciplinary Order and  
11 have fully discussed it with my attorney, Richard Marmaro. I understand the stipulation and the  
12 effect it will have on my Physician & Surgeon's Certificate. I enter into this Stipulated  
13 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
14 bound by the Decision and Order of the Medical Board of California.

15 DATED: 9/20/06

16  
17   
18 Adeline Vorperian, M.D.  
19 Respondent

20 I have read and fully discussed with Respondent the terms and conditions and  
21 other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its  
22 form and content.

23 DATED: 9/25/2006

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26 RICHARD MARMARO  
27 Attorney for Respondent  
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DATED:

9/24/06

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Attorneys for Complainant

10



Exhibit A

Accusation No. 11-2005-168275

1 BILL LOCKYER, Attorney General  
of the State of California  
2 TAN N. TRAN, State Bar No. 197775  
Deputy Attorney General  
3 California Department of Justice  
300 South Spring Street, Suite 1702  
4 Los Angeles, California 90013  
Telephone: (213) 897-6793  
5 Facsimile: (213) 897-9395

6 Attorneys for Complainant

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BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

11 Adelina Vorperian, M.D.  
12 1215 South Central Avenue  
Glendale, California 91204

13 Physician & Surgeon's Certificate No. C 50390

14 Respondent.

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO June 21 2006  
BY: M. K. K. ANALYST

Case No. 11-2005-168275

OAH No.

ACCUSATION

Complainant alleges:

PARTIES

1. David T. Thornton (Complainant) brings this Accusation solely in his official capacity as the Executive Director of the Medical Board of California (Board).

2. On or about March 24, 2000, the Medical Board of California issued Physician & Surgeon's Certificate Number C 50390 to Adelina Vorperian, M.D. (Respondent). This license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2007, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board's Division of Medical Quality (Division), under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 of the Code provides that a licensee who is found guilty

1 under the Medical Practice Act may have his or her license revoked, suspended for a period not  
2 to exceed one year, placed on probation and required to pay the costs of probation monitoring, or  
3 such other action taken in relation to discipline as the Division deems proper.

4 5. Section 2234 of the Code states:

5 "The Division of Medical Quality shall take action against any licensee who is  
6 charged with unprofessional conduct. In addition to other provisions of this article,  
7 unprofessional conduct includes, but is not limited to, the following:

8 "(a) Violating or attempting to violate, directly or indirectly, assisting in or  
9 abetting the violation of, or conspiring to violate any provision of this chapter [Chapter 5,  
10 the Medical Practice Act].

11 "(b) Gross negligence.

12 "(c) Repeated negligent acts....

13 "(d) Incompetence.

14 "(e) The commission of any act involving dishonesty or corruption which is  
15 substantially related to the qualifications, functions, or duties of a physician and surgeon.

16 "(f) Any action or conduct which would have warranted the denial of a  
17 certificate."

18 6. Section 2236 of the Code states in pertinent part:

19 "(a) The conviction of any offense substantially related to the qualifications,  
20 functions, or duties of a physician and surgeon constitutes unprofessional conduct within  
21 the meaning of this chapter. The record of conviction shall be conclusive evidence only  
22 of the fact that the conviction occurred."

23 "..."

24 "(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is  
25 deemed to be a conviction within the meaning of this Section and Section 2236.1. The  
26 record of conviction shall be conclusive evidence of the fact that the conviction  
27 occurred."

28 7. Section 490 of the Code states:

1 "A board may suspend or revoke a license on the ground that the licensee has  
2 been convicted of a crime, if the crime is substantially related to the qualifications,  
3 functions, or duties of the business or profession for which the license was issued. A  
4 conviction within the meaning of this section means a plea or verdict of guilty or a  
5 conviction following a plea of nolo contendere. Any action which a board is permitted to  
6 take following the establishment of a conviction may be taken when the time for appeal  
7 has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order  
8 granting probation is made suspending the imposition of sentence, irrespective of a  
9 subsequent order under the provisions of Section 1203.4 of the Penal Code."

10 8. California Code of Regulations, Title 16, Section 1360, states:

11 "For the purposes of denial, suspension or revocation of a license, certificate or  
12 permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or  
13 act shall be considered to be substantially related to the qualifications, functions or duties  
14 of a person holding a license, certificate or permit under the Medical Practice Act if to a  
15 substantial degree it evidences present or potential unfitness of a person holding a license,  
16 certificate or permit to perform the functions authorized by the license, certificate or  
17 permit in a manner consistent with the public health, safety or welfare. Such crimes or  
18 acts shall include but not be limited to the following: Violating or attempting to violate,  
19 directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate  
20 any provision of the Medical Practice Act."

21 9. Section 650 of the Code states in pertinent part:

22 "Except as provided in Chapter 2.3 (commencing with Section 1400) of Division  
23 2 of the Health and Safety Code, the offer, delivery, receipt, or acceptance by any person  
24 licensed under this division or the Chiropractic Initiative Act of any rebate, refund,  
25 commission, preference, patronage dividend, discount, or other consideration, whether in  
26 the form of money or otherwise, as compensation or inducement for referring patients,  
27 clients, or customers to any person, irrespective of any membership, proprietary interest  
28 or coownership in or with any person to whom these patients, clients, or customers are

1 referred is unlawful..."

2 FIRST CAUSE FOR DISCIPLINE

3 (Conviction of a Crime)

4 10. Respondent is subject to disciplinary action under sections 2236 (a)(d) and  
5 490 of the Code, and California Code of Regulations, Title 16, section 1360, in that she was  
6 convicted of a crime stemming from her involvement in a kickback relationship with a clinical  
7 laboratory (i.e. soliciting and receiving remuneration in the form of cash kickbacks from  
8 Southwest Labs in return for ordering a service). The circumstances are as follows:

9 11. Respondent and her husband Kevork Vorperian, M.D. (Vorperians)  
10 operated a medical clinic located at 610 N. Central Avenue, Suite 202, Glendale, California.  
11 Starting on or about July 2000, Respondent entered into a kickback relationship with the owner  
12 of a clinical laboratory named Southwest Labs, wherein the laboratory owner paid the Vorperians  
13 a 25% kickback on the laboratory's collections from specimens referred by the Glendale clinic.  
14 The vast majority of the specimens referred to the laboratory by the Vorperians' clinic were  
15 Medicare and Medi-Cal beneficiaries.

16 12. After an FBI investigation and after Federal charges were filed against the  
17 Vorperians, Respondent plead guilty on July 25, 2005 in the U.S. District Court, Central District  
18 of California to two counts of receiving kickbacks from Southwest Labs. (Count One pertains to  
19 a kickback amount of \$1,114 on March 1, 2001, and Count Two pertains to a kickback amount of  
20 \$2,408 on March 14, 2001).

21 13. In total, 20 recorded kickback payments were made to the Vorperians  
22 between October 2000 and April 2001, with Respondent accepting 15 of the payments, and  
23 Respondent's husband accepting 5 of the payments. The total kickback amount paid to the  
24 Vorperians was \$20,102.

25 14. Respondent was ordered to serve three years probation, participate in four  
26 months home detention with electronic monitoring, pay costs of home monitoring, pay to the  
27 United States a total fine of \$50,000, perform 600 hours of community service, pay restitution of  
28 \$20,550, and write a letter to the medical journals used by the doctors in her field relating the

1 experience up to and including sentencing.

2 SECOND CAUSE FOR DISCIPLINE

3 (Consideration for Referrals)

4 15. By reason of the facts set forth in paragraphs 11 through 14 above,  
5 Respondent is subject to disciplinary action under section 650 of the Code in that she entered into  
6 a kickback relationship with the owner of a clinical laboratory named Southwest Labs, wherein  
7 the laboratory owner paid Respondent and her husband a 25% kickback on the laboratory's  
8 collections from specimens referred by the Respondent's clinic.

9

10 THIRD CAUSE FOR DISCIPLINE

11 (Dishonest and Corrupt Acts)

12 16. By reason of the facts set forth in paragraphs 11 through 15 above,  
13 Respondent is subject to disciplinary action under section 2234(e) of the Code in that Respondent  
14 entered into a kickback relationship with the owner of a clinical laboratory named Southwest  
15 Labs, wherein the laboratory owner paid Respondent and her husband a 25% kickback on the  
16 laboratory's collections from specimens referred by the Respondent's clinic.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
3 alleged, and that following the hearing, the Division of Medical Quality issue a decision:


4 1. Revoking or suspending Physician & Surgeon's Certificate Number C  
5 50390, issued to Adelina Vorperian, M.D.

6 2. Revoking, suspending or denying approval of Adelina Vorperian, M.D.'s  
7 authority to supervise physician's assistants, pursuant to section 3527 of the Code;

8 3. Ordering Adelina Vorperian, M.D. to pay the Division of Medical Quality,  
9 if placed on probation, the costs of probation monitoring;

10 4. Taking such other and further action as deemed necessary and proper.

11 DATED: June 21, 2006

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13   
14 DAVID T. THORNTON  
15 Executive Director  
16 Medical Board of California  
17 State of California  
18 Complainant

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